

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 2/08/10 Monday Dept: 1A

(Posted 2/04/10)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CF8439 [M] BENEFICIAL CALIFORNIA v FAWCETT
Type: COLLECTIONS Date Filed: 02/02/09
Priority Info: RULE 3.740
Event: OSC RE: JUDGMENT UNDER CRC 3.740(f)

PLNTFF: BENEFICIAL CALIFORNIA INC ATTY: MANN BRACKEN LLP
DEFNDT: FAWCETT, MARK
Service Date/Type: 02/17/09 PER 00/00/00

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 7/12/10.

2. **1:00 PM** Case: CF8735 [M] CITIBANK SOUTH DAKOTA v CASILLAS
Type: COLLECTIONS Date Filed: 07/17/09
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: CITIBANK SOUTH DAKOTA NA ATTY: HUNT & HENRIQUES
DEFNDT: CASILLAS, PABLO C

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 6/7/10.

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3. 1:00 PM Case: CV34023 [S] KNIGHT v COUNTY OF CALAVERAS
Type: PI/PD MOTOR VEHICLE Date Filed: 08/30/07
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385

PLNTFF: KNIGHT, JASON ATTY: WILCOXEN CALLAHAN MONTGOMERY
X/COMP: VALLECITO UNION SCHOOL DISTRICT ATTY: JOHNSON SCHACHTER & LEWIS
Service Date/Type: 09/14/07 PER Answer Date: 10/26/07
GDN/AL: KNIGHT, JEFFREY ATTY: CLANCEY DOYLE & O'DONNELL
Service Date/Type: 12/19/07 NAR Answer Date: 12/26/07
DEFNDT: WELLES, JAMES T ATTY: GAVIN, CUNNINGHAM & HUNTER
Service Date/Type: 10/12/07 SUB Answer Date: 11/06/07
DEFNDT: WELLES, WILLIAM ATTY: GAVIN, CUNNINGHAM & HUNTER
Service Date/Type: 10/11/07 PER Answer Date: 11/06/07
DEFNDT: LOCKHART, SHERRY
Service Date/Type: 09/14/07 PER 00/00/00
DEFNDT: LOCKHART, L R
Service Date/Type: 09/14/07 PER 00/00/00
DBA: AVERY HOTEL

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

4. 1:00 PM Case: CV34788 [S] HARRIS BLADE RENTAL v RYAN MCCLURE EXCAVATI
Type: BREACH OF CONTRACT Date Filed: 06/16/08
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

Related cases NOT on this calendar: CV35108 ,
PLF/XD: HARRIS BLADE RENTAL ATTY: THOMSON, WILLIAM D. ESQ.
DEFNDT: RYAN MCCLURE EXCAVATION INC. ATTY: MURPHY CAMPBELL GUTHRIE & ALL
Service Date/Type: 00/00/00 Answer Date: 10/24/08
DEFNDT: MCCLURE, RYAN
X-DEFT NCO FINANCIAL
Service Date/Type: 09/05/08 CER 00/00/00
X-COMP SURETY COMPANY OF THE PACIFIC ATTY: HAUSMAN & SOSA LLP
Service Date/Type: 07/15/08 PER Answer Date: 08/08/08

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 1 day court trial.

5. 1:00 PM Case: CV35150 [S] RAFT RIVER VITNERS v STEVENOT WINERY
Type: BREACH OF CONTRACT Date Filed: 10/09/08
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: RAFT RIVER VITNERS LLC ATTY: LONG & LEVIT
DEFNDT: STEVENOT WINERY
Service Date/Type: 10/10/08 PER 00/00/00

Tentative Ruling: It appears defendant(s) has filed for bankruptcy protection. The bankruptcy petition front page with filing stamp is ordered filed with this court. The matter is continued for further case management in Dept. 1A at 1:00PM on 8/9/10.

6. 1:00 PM Case: CV35233 [S] ARK-MAJIYAGBE v GANDY REVOCABLE TRUST
Type: REAL PROPERTY Date Filed: 11/17/08
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

Related cases NOT on this calendar: CF8335 , CF8426 ,
PLNTFF: ARK-MAJIYAGBE, GABRIEL O ATTY: MACOMBER, MICHAEL D. ESQ
DEFNDT: GANDY REVOCABLE TRUST OF APRIL 16
Service Date/Type: 02/13/09 PER 00/00/00
DEFNDT: NORCAL FORECLOSURE SERVICES LLC
Service Date/Type: 02/13/09 PER 00/00/00
DEFNDT: BUNBURY, ROBERT J.
Service Date/Type: 12/08/09 SUB 00/00/00
DEFNDT: BUNBURY, TERRIE NOEL NEWMAN
Service Date/Type: 12/08/09 SUB 00/00/00
TRSTE GANDY, CRAIG M.

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 6/7/10.

7. 1:00 PM Case: CV35819 [S] HART/CARBONEL v MITCHELL/ENTERPRISE
Type: PI/PD MOTOR VEHICLE Date Filed: 06/16/09
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: HART, CHARLES ATTY: AIROLA LAW OFFICES
PLNTFF: CARBONEL, LINDA ATTY: AIROLA LAW OFFICES
DEFNDT: MITCHELL, JAMES ALBERT ATTY: MACMORRIS & CARBONE
Service Date/Type: 08/03/09 SUB Answer Date: 11/20/09
DEFNDT: ENTERPRISE RENT-A-CAR ATTY: MACMORRIS & CARBONE
Service Date/Type: 07/31/09 PER Answer Date: 09/08/09

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 7/12/10.

8. 1:00 PM Case: CV36054 [S] GARCIA v ESPEJEL/CALAVERA CO
Type: PI/PD MOTOR VEHICLE Date Filed: 09/10/09
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: GARCIA, TODD ATTY: SCRANTON LAW FIRM
DEFNDT: ESPEJEL, ROGELIO MONTIEL ATTY: BARKETT & GUMPERT
Service Date/Type: 10/29/09 SUB Answer Date: 11/19/09
DEFNDT: CALAVERAS COUNTY ATTY: BARKETT & GUMPERT
Service Date/Type: 10/13/09 PER Answer Date: 11/12/09

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 7/12/10.

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9. 1:00 PM Case: CV36055 [S] HUDSON v HUDSON
Type: BREACH OF CONTRACT Date Filed: 09/10/09
Event: CASE MANAGEMENT CONFERENCE-CIVIL
02/23/10 10:00 1 DEMURRER OF DEFENDANT'S TO FIRST AMENDED
VERIFIED COMPLAINT
02/23/10 10:00 1 DEFT'S MOTN FOR ORDER STRIKING UNTIMELY
AMENDED COMPLAINT/DISMISS ACTION FOR
FAILURE TO AMEND COMPLAINT AFTER DEMURR.

Related cases NOT on this calendar: CF7919 ,
PLNTFF: HUDSON, LOUISE ATTY: THOMAS, RANDY E. ESQ
DEFNDT: HUDSON, MATTHEW ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 09/22/09 PER 00/00/00
DEFNDT: HUDSON, JENNIFER ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 09/22/09 PER 00/00/00

Tentative Ruling: There are pleading motions pending. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 4/12/10.

10. 1:00 PM Case: PR7045 [S] ESTATE OF ORNELAS
Type: LTRS OF ADMIN; ATA/IAEA Date Filed: 12/19/08
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PETNR: ORNELAS, ROBERT J ATTY: AIROLA & AIROLA
SP/ADM: EATON, RALPH KENNETH ATTY: STERRETT LAW OFFICE, MICHAEL
DEC'D: ORNELAS, RUTH EILEEN
AKA: ORNELAS, RUTH E

Tentative Ruling: Discovery is ongoing. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 6/7/10.

11. **1:30 PM** Case: CV34869 [S] BLACKLEDGE v BLACKLEDGE
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 07/14/08
Priority Info: CUSTODY STAYED PER JD4789
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: JD4789 ,
PETNR: BLACKLEDGE, EMILY ROSE ATTY: CALDERWOOD, BRUCE G ESQ
MINOR: BLACKLEDGE MINOR P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: BLACKLEDGE, JAMIE RHEA ATTY: IN PRO PER
Service Date/Type: 07/24/08 PER Answer Date: 11/24/08

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 6/7/10.

12. 1:30 PM Case: CV35856 [S] MORRIS v MORRIS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/29/09
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: MORRIS, ROY ALLEN ATTY: WOOD, DARLENE D ESQ
MINOR: MORRIS MINORS P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: MORRIS, DENIELLE MARIE ATTY: SALAZAR, ANTHONY T. ESQ
Service Date/Type: 07/04/09 NAR Answer Date: 07/13/09

Tentative Ruling: There are temporary custody and support orders. Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 5/10/10.

13. 1:30 PM Case: CV35871 [S] KENWORTHY v KENWORTHY
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 07/02/09
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV34874 ,
PETNR: KENWORTHY, BARBRALICE R. ATTY: IN PRO PER
RESP: KENWORTHY, WILLIAM A.
Service Date/Type: 07/19/09 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 5/10/10.

14. 1:30 PM Case: CV36098 [S] BUTTRAM v PINHEIRO
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 09/29/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: CV36057 ,
PETNR: BUTTRAM, SCOTT ATTY: WEISBERG, MICHAEL ESQ
RESP: PINHEIRO-BUTTRAM, HERONDINA M ATTY: IN PRO PER
Service Date/Type: 10/04/09 PER Answer Date: 10/28/09

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 5/10/10.

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15. 1:30 PM Case: CV36101 [S] WININGS v WININGS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/30/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: WININGS, JOHN L ATTY: MARSHALL & MARSHALL
RESP: WININGS, NARA ATTY: IN PRO PER
Service Date/Type: 10/08/09 PER Answer Date: 11/02/09

Tentative Ruling: There are temporary custody and support orders. Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 5/10/10.

16. 1:30 PM Case: CV36103 [S] BARNES v WILLOUGHBY
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 10/01/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: BARNES, NYNETTE M. ATTY: IN PRO PER
RESP: WILLOUGHBY, MARK W.
Service Date/Type: 10/01/09 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 5/10/10.

17. 1:30 PM Case: CV36106 [S] ZAMACONA v ZAMACONA
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/02/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: ZAMACONA, CHRISTIANE D. ATTY: IN PRO PER
RESP: ZAMACONA, VINCENT

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 5/10/10.

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18. 1:30 PM Case: CV36107 [S] GAISFORD v GAISFORD
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/02/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: GAISFORD, ANGALEE ATTY: IN PRO PER
RESP: GAISFORD, BRADLEY
Service Date/Type: 10/07/09 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 5/10/10.

19. 1:30 PM Case: CV36121 [S] RAYESCHMUCK v THEOKTISTOU
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/06/09
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: RAYESCHMUCK, DANIELLE ATTY: IN PRO PER
RESP: THEOKTISTOU, PETER G

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 5/10/10.

20. **2:30 PM** Case: CV34487 [S] EASTMAN v EASTMAN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/06/08
Priority Info: 170.6 JEM **STATUS ONLY**
Event: SETTLEMENT CONFERENCE/TRIAL SETTING
170.6 JEM

PETNR: EASTMAN, CLAY ATTY: VALEN LAW OFFICES, MARK
RESP: EASTMAN, DIANE ATTY: DOWNEY BRAND LLP
Service Date/Type: 04/24/08 PER Answer Date: 05/09/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

21. 2:30 PM Case: CV36159 [S] BARAJAS v BARAJAS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/20/09
Event: SETTLEMENT CONFERENCE/TRIAL SETTING
(VACATE 2/22/10 CMC HEARING?)
02/22/10 1:30 1A CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: BARAJAS, LINDSEY ATTY: TRIFILO, JOHN J. ESQ
RESP: BARAJAS, MICHAEL ATTY: YANKOVSKY, KRISTINE ESQ
Service Date/Type: 10/29/09 PER Answer Date: 11/23/09

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.